

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF SOUTH CENTRAL BELL)
TELEPHONE COMPANY FOR CONFIDENTIAL)
TREATMENT OF INFORMATION FILED IN) CASE NO.
SUPPORT OF ITS DIRECTORY ASSISTANCE) 93-069
DATABASE SERVICE AND ITS DIRECTORY)
PUBLISHERS DATABASE SERVICE)

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc. d/b/a South Central Bell Telephone Company ("South Central Bell") filed February 22, 1993 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost support information contained in Attachments A, D, E, and F to its proposed tariff on the grounds that disclosure of the information is likely to cause South Central Bell competitive injury, and it appearing to this Commission as follows:

South Central Bell proposes to offer two new directory assistance programs called Directory Assistance Database Service ("DADS") and Directory Publishers Database Service ("DPDS"). Both these services will allow other companies to purchase South Central Bell's directory assistance database. Companies purchasing DADS will be able to use the database to provide directory assistance service and those purchasing DPDS will be able to use the information to publish their own telephone directories. Both services will compete with services now provided by South Central

Bell. The information sought to be protected consists of a cost study filed in support of the proposed tariff for the service.

The information sought to be protected is not known outside of South Central Bell and is disseminated within South Central Bell to only those employees who have a legitimate business need to know and act upon the information. South Central Bell seeks to preserve and protect the confidentiality of the information through all appropriate means.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That section of the statute exempts 11 categories of information. One category exempted in subparagraph (c) of that section is commercial information confidentially disclosed to the Commission. To qualify for that exemption, it must be established that disclosure of the information is likely to cause substantial competitive harm to the party from whom the information was obtained. To satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

Because the new services being offered will compete with services now offered by South Central Bell, public disclosure of the supporting cost study would be harmful to South Central Bell by adversely affecting the market revenue potential and competitive

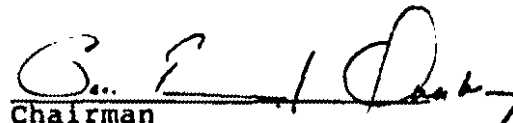
position of these services. Demand and revenue estimates could be used by competitors to analyze market potential at the expense of South Central Bell. Therefore, disclosure of the information is likely to cause South Central Bell competitive injury and the information should be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that the cost information contained in Attachments A, D, E, and F to South Central Bell's proposed tariff, which South Central Bell has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 22nd day of March, 1993.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director